

Campaign

Sandi Bush, Chairman
Pioneer Fire Protection District
Dated April 15, 2002
Our File Number: I-02-015

The letter discusses campaign reporting obligations and prohibitions that may apply if a local fire district makes contributions or expenditures supporting a parcel tax or property assessment.

Peter A. Bagatelos
Dated April 18, 2002
Our File Number: I-02-038

Payments advanced by owners and promoters of a slate mailer organization, to cover costs associated with production and distribution of slate mail, are reportable "receipts" under Gov't. Code § 82419.

Edward C. Noonan
Candidate for Secretary of State
Dated April 29, 2002
Our File Number: G-02-107

This letter provides information related to section 91013 and the authority of local filing officers to impose late filing penalties. The Act does not provide an appeal process, and the Commission has no authority to rescind or waive fines imposed by local filing officers.

Conflicts of Interest

Barbara Kaufman, Chairwoman
San Francisco Bay Conservation & Development Commission
Dated April 8, 2002
Our File Number: I-01-118

A public official has an economic interest in a California corporation where the City and County of San Francisco is the sole shareholder, and will have a conflict of interest if it is reasonably foreseeable that this corporation will be materially affected by a decision before her agency.

Laura J. Roberts
Lassen County Children & Families Commission
Dated April 30, 2002
Our File Number: I-01-300

The Act does not prohibit assumption of public office by a person who has received a grant from the agency to which he or she is later appointed. Receipt of such grants by a sitting commissioner may be prohibited by Government Code § 1090.

David H. Hirsch
City of Simi Valley
Dated April 15, 2002
Our File Number: I-02-008

A council member will not have an economic interest in a donor to her nonprofit employer. However, she must still apply the conflict-of-interest analysis with regard to each decision.

Matt Grocott
City of San Carlos
Dated April 12, 2002
Our File Number: A-02-028

A city council member who is a professional building designer is limited in his representation of clients before boards and commissions that are either appointed by or subject to the budgetary control of the city council. He may prepare and submit drawings of an architectural, engineering or similar nature to the necessary offices or agencies on behalf of clients. However, contact with agency staff must be limited to responding to staff questions and communicating with staff regarding the movement of drawings and submissions through the approval process and, if necessary, obtaining clarification of staff requests for revisions. He may not appear on behalf of a client before any boards or commissions whose members are appointed by or those which are subject to the budgetary control of the city council. Although he may attend meetings at which one of his client's

Lori J. Barker
City of Chico
Dated April 30, 2002
Our File Number: I-02-050

projects is being considered, he may not in any way assist in the presentation of the project to the committee, commission or council by providing information or advice to the presenter.

A public official who owns a residence that is adjacent to and within 500 feet of a long, narrow parcel of public property will have a presumptive conflict of interest in decisions that may come before his decision-making body regarding portions of the property that are within 500 feet of his residence and decisions that will affect the parcel of property in general. The official will have no presumptive conflict of interest in decisions regarding portions of the parcel that are farther away from his residence than 500 feet and only have a localized effect. The presumption of material financial effect may be rebutted by demonstrating that a decision will have no financial effect whatsoever on his real property interest in the residence.

William R. Warne
Orange City Main Library
Dated April 2, 2002
Our File Number: I-02-052

This informal advice letter discusses the conflict of interest rules in the context of a trustee of a public library system who has economic interests near the public library.

Heidi A. Boitano
City of Sutter Creek
Dated April 10, 2002
Our File Number: I-02-057

The letter generally discusses the various conflicts of interest that may arise as a result of a public official's ownership interest in a parking lot and the payments she might receive from her agency in return for its use of the lot. The requestor was also referred to the Office of the Attorney General for further assistance.

John R. Selvage
No. Coast Regional Water Control Board
Dated April 18, 2002
Our File Number: I-02-065

This informal advice letter discusses the conflicts of interest rules in the context of a member of a regional water quality control board who, until recently, was a co-owner of an engineering firm. Though the official divested himself of an ownership interest in the firm, the holding of a security interest in stock in the firm results in the continued possession of an investment interest in the firm.

Kathy Chew
Mountains Recreation & Conservation
Authority
Dated April 10, 2002
Our File Number: I-02-071

An agency seeks advice whether conflict-of-interest provisions of the Act bar the agency from employing a consultant who will also be simultaneously employed by a nonprofit organization to raise funds which then donates the proceeds to the agency. The agency is given informal assistance stating that the Act does not prohibit individuals from serving as public officials.

A city employee may accept private clients and render

<p>Scott Vurbeff Dated April 17, 2002 Our File Number: A-02-075</p> <p>Michele R. Vadon City of Dana Point Dated April 11, 2002 Our File Number: A-02-080</p> <p>Tony Daysog, Councilmember City of Alameda Dated April 19, 2002 Our File Number: A-02-087</p> <p>Paul J. Luellig, Jr., Chair Barstow Redevelopment Agency Dated April 26, 2002 Our File Number: I-02-097</p>	<p>environmental consulting services, provided the employee does not participate in or influence city governmental decisions which may have a material financial effect upon his private consulting business or clients thereof. The “nexus” test would apply should the employee accept a retainer to accomplish the same goal for a client or purpose for which the employee would accomplish by virtue of his participation in the governmental decisions of his city employer.</p> <p>A city council member’s residence is located within 500 feet of property to be acquired for a public access way. Based on an independent appraisal providing reasonable and objective evidence that the project will have no material financial effect on the council member’s residence, the council member does not have a disqualifying conflict of interest and may participate in city decisions concerning acquisition of public access way.</p> <p>The Act does not prohibit a public official from simultaneously serving as a public official and being employed privately. Rather, the Act prohibits public officials from making, participating in making or using their positions to influence a governmental decision which will have a reasonably foreseeable material financial effect on their financial interests.</p> <p>The requestor sought third party advice, including advice as to past conduct. A response was sent declining to advise and enclosing material regarding complaint process at FPPC.</p>
Conflict of Interest Code	
<p>Nancy A. Dillon, MMC City of Thousand Oaks Dated April 17, 2002 Our File Number: I-02-058</p>	<p>This letter provides comments to the City of Thousand Oaks concerning their resolution regarding formal guidelines for notification of filing obligations and the waiving/imposing of late fines for delinquent filers of Statements of Economic Interests, Form 700.</p>

Gift Limits	
Kathleen Walsh, General Counsel California Air Resources Board Dated April 24, 2002 Our File Number: I-01-270	This letter advises the California Air Resource Board general counsel that its employees may apply for zero emission vehicle grants from the state. These grants are rebates which, because they are offered in the regular course of business without regard to official status, are exempt by statute from treatment as a gift and are not subject to gift limits or gift reporting.
Lobbying	
Gretchen Riddell-Belli City of Taft Dated April 11, 2002 Our File Number: A-02-079	Researching public documents and providing a summary of the proposed local government projects to state officials does not constitute lobbying, as long as there is no attempt to influence legislative or administrative action.
Revolving Door	
Carl Washington, Assemblyman California Legislature Dated April 12, 2002 Our File Number: A-02-034a	Section 87407's prohibition on making a governmental decision that will directly affect an entity with which a state officer or employee has an arrangement concerning prospective employment does not apply to an Assemblyman whose prospective employer is a California community college. Regulation 18747(d)(3) specifically states that the prohibition does not apply if the prospective employer is a state, local or federal governmental agency. However, the one year lobbying ban of section 87406(b) does apply.
Norman R. Hertz, Ph.D. Department of Consumer Affairs Dated April 16, 2002 Our File Number: A-02-047	This letter applies revolving door rules to a former official in the Department of Consumer Affairs who wishes to engage in consultant activities for clients before his former state agency employer.
Anthony R. Fisher, Ph.D. Industrial Welfare Commission Dated April 15, 2002 Our File Number: A-02-056	For purposes of the post-governmental employment provisions, the wage board within the Industrial Welfare Commission is a state administrative agency. A member of the wage board is precluded for a 12-month period from representing, for compensation, any person before the wage board.